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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,069	09/10/2003	Martin Leonhard Dreher	GP1209 US NA	2752
23906	7590	03/03/2005	EXAMINER	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			LEE, SIN J	
			ART UNIT	PAPER NUMBER
			1752	
DATE MAILED: 03/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,069	DREHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sin J. Lee	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 September 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 14-17 is/are rejected.
- 7) Claim(s) 12,13,18 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/15/03, 12/15/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger (DE 199 09 152 A1 and its DERWENT English abstract) in view of Hatsuda (JP 2002-137558 and its English translation).

Metzger teaches (see Derwent abstract) a photopolymerizable recording element useful for production of flexographic printing plates comprising a substrate layer, a photopolymerizable layer, and an IR sensitive and actinic radiation opaque layer, in which a wax adhesion regulating layer is situated between the photopolymerizable layer and IR sensitive layer. Metzger's photopolymerizable layer contains a polymeric binder, an ethylenically unsaturated copolymerizable organic compound, and a photoinitiator. Metzger's flexographic printing plate is prepared by irradiating an IR laser to form an image in the IR sensitive layer (thus forming an in-situ mask) and then irradiating the photopolymerizable layer by means of actinic radiation through the mask followed by removal of non-polymerized regions of the photopolymerizable layer as well as the remaining regions of the IR sensitive layer and the adhesion regulating wax layer by use of one or more solutions. Metzger does not teach present print control element comprising relief elements with defined height differences in the non-image area.

Hatsuda teaches (see Claims 1 and 3) a printing plate comprising a printing area that has raised printing features to which ink adheres and which print; and a quality verifying area that has raised quality verifying features which are formed at the same time as the raised printing features in the printing area and that verifies the quality of the raised printing features in the printing area by the quality of the raised quality verifying features, in which the raised quality verifying features have a top surface area that is varied in a *stepwise manner*. Hatsuda states (see [0001]) that his invention relates to printing plates which are highly suitable for use in flexography printing plates. Hatsuda teaches (see [0031]) that by having a printing area that has raised printing features to which ink adheres and which print and by having also a quality verifying area that has raised quality verifying features which are formed at the same time as the raised printing features in the printing area, the quality of the raised printing features can be easily verified by verifying the quality of the raised quality verifying features. Hatsuda states (see [0005]) that by using his invention, one can easily inspect the quality of a printing plate without lowering productivity.

In view of Hatsuda's teaching, it would have been obvious to one of ordinary skill in the art to have in Metzger's printing plate a printing area that has printing relief features and a quality verifying area that has quality verifying relief features (which have a top surface area that is varied in a *stepwise manner*.) so as to easily inspect the quality of the printing relief features by verifying the quality of the quality verifying relief features as taught by Hatsuda. Therefore, Metzger in view of Hatsuda would render obvious present inventions of claims 1-11 and 14-17 (present claim language of claim 9

does not require the presence of a release layer. It only requires that if the additional layer of present claim 8 happens to be a release layer, then the release layer has to comprise at least one matting agent).

***Allowable Subject Matter***

3. Claims 12, 13, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Hatsuda does not teach or suggest present forming step of the print control element as described in claim 12. Metzger does not teach or suggest present step (of claim 18) of imagewise ablating the laser-engravable, reinforced elastomeric layer to form the printing relief.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*S.J.L.*

S. Lee

February 28, 2005

*Sin J. Lee*

Sin J. Lee

Patent Examiner

Technology Center 1700